IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 29TH JUNE 2007 / 8TH ASHADHA 1929

Bail Appl..No. 3951 of 2007()

CRIME NO.247/07 OF KODAKARA POLICE STATION.

PETITIONER/ACCUSED

RAFFI, AGED 41, S/O.RAPPAI,
INIKKAL HOUSE, MURIYAD P.O., TRISSUR.

BY ADV. SRI.K.S.MADHUSOODANAN
SRI.T.V.JAYAKUMAR NAMBOODIRI

RESPONDENTS: COMPLAINANT & FORMAL PARTY:

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1. STATE OF KERALA TO BE REP.BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. STATION HOUSE OFFICER,
KODAKARA POLICE STATION, KODAKARA,
TRISSUR.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 29/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A.NO. 3951 OF 2007

Dated this the 29th day of June, 2007

ORDER

Application for anticipatory bail. The petitioner faces allegations under Sec.353 of the IPC. According to the petitioner, he runs a stall in the market in which he sells pork. The Kodakara Grama Panchayat attempted to stop the business of the petitioner obliging the petitioner to go to the civil court and obtain an order of injunction. This allegedly infuriated the members of the Panchayat and as a result, false allegations are raised against the petitioner by the members of the Panchayat. The allegations are totally false and incorrect and they are raised against the petitioner with vexatious intent and in retaliation for the petitioner seeking relief from a competent court of law. The petitioner may be saved of the undeserved trauma of arrest and incarceration in prison, submits the

learned counsel for the petitioner.

2. The learned Public Prosecutor does not seriously oppose the application. The learned Public Prosecutor submits that the allegation against the petitioner is that when a team of officials including the Panchayat President went to the market and requested the petitioner to bring about certain changes in the interests of cleanliness in the market, the petitioner allegedly uttered abusive words and attempted to deter the officials from the discharge of their duties.

3. Having considered all the relevant circumstances, I am satisfied that this is a fit case where directions under Sec.438 of the Cr.P.C. can be issued in favour of the petitioner.

4. In the result, this petition is allowed. Following directions are issued under Sec.438 of the Cr.P.C:

(i) The petitioner shall appear before the learned Magistrate having jurisdiction at 11 a.m. on 7/707. He shall be released on regular bail on his executing a bond for Rs.25,000/- with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 9 a.m. and 1 p.m. on 9/7/07 and thereafter as and when directed by the

Investigating Officer in writing to do so.

(iii) If the petitioner does not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with him in accordance with law as if those directions were not issued at all;

(iv) If the petitioner were arrested prior to his surrender on 7/707 as directed in clause (i) above, he shall be released on his executing a bond for Rs.25,000/- without any sureties undertaking to appear before the learned Magistrate on 7/7/07.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge